



WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**  
Peter Goldmark - Commissioner of Public Lands

## Application for Use of State-owned Aquatic Lands

**Applicant Name:** NW Alloys/Chinook Ventures  
**County:** Cowlitz County  
**Water Body:** Columbia River  
**Type of Authorization - Use:** Right of Entry – Sediment Sampling  
**Authorization Number:** PENDING  
**Term:** 5 years

**Description:** This agreement will allow the use of State-owned aquatic lands for the sole purpose of sediment sampling. It is located on the Columbia River, in Cowlitz County, Washington.

This sediment sampling project is in association with Aquatic Lands Lease No. 20-B09222.

# NW Alloys/ Chinook Ventures

Authorization No. **PENDING**

Authorization Use: **Right of Entry - Sediment Sampling**

Location: **Cowlitz County**



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## Vicinity Map

**Note: Associated with  
Aquatic Lease No. 20-B09222**

Every attempt was made to use the most accurate and current geographic data available. However, due to multiple sources, scales, and the currency of the data used to develop this map Washington Department of Natural Resources cannot accept responsibility for errors and omissions in the data. Furthermore, this data is not survey grade information and cannot be substituted for an official survey. Therefore, there are no warranties that accompany this material

## Legal Description

**Lat: 46.13516N, Long: -123.00175W S36-08N-03W WM**

**Prepared By: dw Date: 06/14/2010**



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## APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED AQUATIC LANDS

**No work can be started on the project area until a use authorization has been granted by the state Department of Natural Resources**

### **I. SUBMISSION OF APPLICATION**

This application form will be reviewed by the state Department of Natural Resources upon receipt at the address given below, and also posted on the DNR website as public information. Applicants will be notified in writing if the application will be accepted for further review. However, this application may be rejected at any time before signed execution of a use authorization.

**APPLICATION MUST BE FILLED OUT IN BLUE OR BLACK PEN**

Please send the completed application form to your region land manager at:

Washington Department of Natural Resources  
Rivers District  
Attn: Denise Wilhelm  
601 Bond Road  
PO Box 280  
Castle Rock, WA 98611-0280

Enclose a \$25.00 non-refundable application processing fee with the application. **(This fee is not required for local, state, and other government agencies).**

### **II. APPLICANT INFORMATION**

Date of Application: May 21, 2010

Authorization to be Issued To (how name is to appear in the lease document): Chinook Ventures, Inc.

Applicant's Representative: Rebecca Desrosiers, Anchor QEA, LLC

Relationship to Applicant: Consultant

Address: 4029 Industrial Way	City: Longview	State: WA	Zip Code: 98632-9461
Telephone: (206) 287-9130	Fax: (206) 287-9131	E-Mail: rdesrosiers@anchorqea.com	

#### **FOR OFFICIAL USE ONLY**

Support staff: Application Fee Received ☒ JARPA Received ☐ Date: 6/11/10

Land Manager: ☒ New Application; ☐ Renewal Application

Land Manager Initials: MB/DW  
NaturE Use Code: AQR/E (Z124)

Land Manager: Type: (20, 21, 22, 23, 31, 51) RDE

Land Records: New Application Number \_\_\_\_\_; Trust \_\_\_\_\_; County \_\_\_\_\_; AQR Plate No. \_\_\_\_\_



**II. APPLICANT INFORMATION cont'**

Department of Revenue Tax \*Registration Number (Unified Business Identifier) is **Required**: 602-456-735

Which of the following applies to Applicant (**Check One** and **Attach written authority to sign** - bylaws, power of attorney, etc):

Corporation ☒  
State of Registration: Washington

Limited Partnership ☐  
State of Registration:

General Partnership ☐  
State of Registration:

Sole Proprietorship ☐

Marital Community ☐  
Spouse:

Government Agency ☐

Other ☐ (Please Explain:)

Has the site use been authorized before or is it currently under lease? **Yes** ☒ Lease Number: 20-B09222

**No** ☐ **Don't Know** ☐

**III. LOCATION**

The Body of Water on which the state property is located:

Columbia River

County in which the state property is located: Cowlitz

Section: 36

Range: 3W

Government Lot: N/A

Township: 8N

**E** ☐ or **W** ☒

**Note:** A legal property survey including the legal description and other information about the property is **required** to obtain a use authorization. WA DNR survey requirements are attached to this form. The survey plat will be attached to the lease/easement as Exhibit A. **DO NOT HAVE THIS SURVEY CONDUCTED UNTIL YOU HAVE BEEN NOTIFIED IN WRITING THAT THE APPLICATION HAS BEEN ACCEPTED FOR PROCESSING.**

Physical description of Project Area (For example, Marsh, Tideflat adjacent to the Chehalis River, etc.):

The project area is located waterward of the Columbia River Channel shoreline and consists of navigable waterways and shallow submerged aquatic lands (Lease #20-B09222). Please refer Attachment A.

Name of Owner(s) of Uplands, Shorelands, and/or Tidelands shoreward and adjacent to the Property:

Owner: Washington State Department of Natural Resources (WDNR).

The adjacent upland property owner is Northwest Alloys, Inc. (NW Alloys). The applicant, Chinook Ventures, Inc. (Chinook), leases the land from NW Alloys. Access to upland property is not necessary for this project. See Section II of this application for contact information.

Address: 601 Bond Road

City: Castle Rock

State: WA

Zip Code: 98611-0280

Phone Number: (360) 577-2025

Fax Number

E-mail: aquaticleasing.rivers@dnr.wa.gov

**Note:** Except for property located within established Harbor Areas, proof of ownership, or authorization to use the adjacent tideland, shoreland, or upland property may be required. If the applicant is the owner of the adjacent land, attach a copy of the deed.

County Parcel No(s). for adjacent properties, upland, and/or adjacent tideland properties:

State-owned aquatic tidelands managed by WDNR (Lease #20-B09222) contain no parcel number; adjacent upland properties owned by NW Alloys (leased by Chinook) include parcels 61950, 61953, and 6195302.

#### **IV. USE OF PROPERTY**

Describe, in detail, the proposed use of the Property:

Per Washington State Department of Ecology (Ecology) Administrative Order No. 7392, Chinook is required to investigate potential impacts to sediment due to incidental spills of materials imported and exported at the facility. To comply with this order, Chinook proposes to conduct sediment sampling within and adjacent to WDNR-owned submerged aquatic lands (Lease #20-B09222). Sediment will be evaluated from six sampling locations in the vicinity of the Chinook-operated pier to determine if incidental spills have impacted sediment quality or biota (see Attachment A – Investigation Area).

Chinook must also characterize sediment in accordance with the U.S. Army Corps of Engineers (Corps) Dredge Material Management Program (DMMP) to support potential future dredging at the site. These sampling locations are currently being developed jointly with Ecology and the Corps. The draft sampling plan, which contains the investigation and DMMP sampling locations, will be submitted to WDNR for review in early June. Upon approval, it is anticipated that core collection and processing will require 3-5 days and is anticipated to begin in July 2010.

Sampling will be conducted using vibracore and grab sampling methods. Vibracore is a coring technique used in sediment sampling which involves physically pushing a vibrating pipe into the sediment. Once removed, the pipe contains an intact sediment sample used for processing. The vibracore will use a rigid external tube approximately 4 inches in diameter and may use either polycarbonate liners or a dedicated aluminum tube. The vibracore will be lowered to the bottom, where the unit will then be energized and allowed to penetrate. Grab sampling involves removing several inches of sediment from the top of the substrate and provides a general representation of the type and composition of surface sediment within the study location.

Is or will the Property be subleased to another party? **Yes** ☐ **No** ☒  
If yes, submit a copy of the sublease agreement.

Chinook subleases the aquatic lands from NW Alloys; however, no other subleases exist.

What are the current and past uses of the site?

The sediment sampling will be conducted in submerged aquatic land that is primarily utilized by commercial vessels. The aquatic lands include improvements (i.e., a pier, mooring dolphins) used for the import and export of bulk materials via conveyor. The primary products have included alumina, petroleum coke, fly ash, and cement. Currently, only alumina is imported via the conveyor.

The adjacent upland property was initially developed as a primary aluminum smelter by Reynolds Metals Company (assets were later acquired by NW Alloys) and was first operated in 1941. The facility operated as an aluminum smelter until 2001. Thereafter, the site remained inactive until December 2004 when Chinook leased the property and began operating the site as a storage, shipping, and transport facility.

Do you have any knowledge of contamination of the site by toxic or hazardous substances, or of past uses or practices that might have lead to contamination by such substances? **Yes** ☒ **No** ☐

If so, please explain:

The primary purpose for requesting this Right of Entry to WDNR aquatic lands is to respond to Ecology Administrative Order No. 7392, which requires Chinook to investigate the potential impact to sediment adjacent to the existing pier due to incidental spills that have occurred.

Do you know if any fill material has been placed on the property in question? **Yes** ☒ **No** ☐

If yes, please explain:

Chinook is in the process of resolving violations associated with fills adjacent to the project location.

## **V. IMPROVEMENTS**

Physical improvements are structures placed on the land that cannot be removed without damage to the land. Examples of such structures include: pilings, dolphins, piers, wharves, piling-supported buildings, structures built on fill or concrete foundations, buried pipelines and cables, and support structures for bridges.

What physical improvements currently exist on the site? (Photos may be required.)

Physical improvements that currently exist on the site include an approximately 1,750-foot pier supported by piles that extends from the shoreline into the submerged aquatic land.

If there are physical improvements currently on the site, who owns them?

The pier is owned by NW Alloy.

If there are physical improvements currently on the site, describe their condition:

The existing pier is intact and is currently used by operations on the adjacent property.

Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed?

None.

Describe any physical improvements that the applicant is proposing to construct on the site:

None.

Has any fill material been placed on the site? **Yes** ☒ **No** ☐

If Yes, please describe:

Chinook is in the process of resolving violations associated with fills adjacent to the project location.

**VI. LOCAL, STATE, AND FEDERAL REGULATORY PERMITS** Copies of all Government Regulatory Permits, or Permit Waivers Are Required Before Issuance of a DNR Use Authorization. Your project may require all or some of the following.

**Please include the following permit applications, permits, or waivers with the application:**

**JARPA (Joint Aquatic Resource Permit Application)** - This one form is used to apply for all of the following individual permits:

1. Section 10 Permit (Required by the US Army Corps of Engineers for any work in or affecting navigable waters, e.g., floats, docks, piers, dredging, pilings, bridges, overhead power lines.)
2. Shoreline Substantial Development, Conditional Use, Variance Permit or Exemption (Issued by Local Government, and is required for work or activity in the 100 year flood plain, or within 200 feet of the Ordinary High Water mark of certain waters; and which included any one of the following: dumping, drilling, dredging, filling, placement or alteration of structures or any activity which substantially interferes with normal public use of the waters.)
3. Hydraulic Project Approval (Required by the Department of Fish and Wildlife if the project includes work that will use, divert, obstruct, or change the natural flow or bed of any fresh or salt water of the state.)
4. Section 404 Permit (Required by the US Army Corps of Engineers if your project will discharge or excavate any dredged or fill material waterward of the Ordinary High Water mark or the Mean Higher High Tide Line in tidal areas.)
5. Section 401 Water Quality Certification (Required by the Department of Ecology if a Section 404 permit is required.)

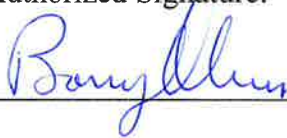
**NPDES (National Pollutant Discharge Elimination System Permit)** - Required by the Department of Ecology under delegated authority from the Federal Environmental Protection Agency for projects that include the discharge of fluid on or into surface water.

**SEPA (State Environmental Policy Act) Checklist and Environmental Assessments** - When you submit a permit application to any agency, if the project is not exempt, the lead agency will ask you to fill out an environmental checklist. Based on checklist answers and the reviewers knowledge of the project site, agency personnel will determine the types of impacts the project may have on the environment. The agency assessments may be the following forms: Determination of Non-significance, Determination of Significance, scoping documents, draft or final Environmental Impact Statements (EIS) or others prepared for the purpose of compliance.

**Describe any habitat mitigation required** by any of the permitting agencies identified above and identify where such mitigation is proposed to occur:

*At this time, no formal dredging or improvement plans have been established; therefore, a JARPA, mitigation plan, and other documents have not yet been prepared. However, a comprehensive SEPA is in development and is scheduled to be submitted to Cowlitz County in early June 2010. The remainder of the required permit applications will be prepared thereafter, at which time a copy will also be provided to WDNR.*

**All answers and statements are true and correct to the best of my knowledge.**

Applicant Name (please print): Barry Oliver	Title: President
Applicant or Authorized Signature: 	Date: May 21, 2010

# **WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES REQUIREMENTS FOR RECORDS OF SURVEY FOR LEASES AND EASEMENTS**

## **Records of Survey are required for easements and leases granted by the department for:**

- County roads
- Highways
- Easements across high value lands
- Easements across transition lands
- Utilities
- Upland leases
- Communication sites
- Drainage or irrigation easements
- Railroads
- Aquatic land uses: exemptions are provided for recreational docks and mooring buoys per RCW 79.105.430 and for those permits issued as a Right of Entry
- Other grants as determined by the department based upon site specific considerations

## **The applicant is responsible for:**

- All costs and work associated with creating, submitting, revising and recording the Record of Survey
- Submitting a preliminary Record of Survey for review and approval by the department prior to approval of the agreement.
- Recording the final Record of Survey with the county auditor's office.
- Submitting a digital copy in AutoCAD.DWG or DXF (drawing exchange format) of the final survey.
- Submitting two full size copies and one 8 ½ X 11" copy and of the recorded survey including the auditor's recording information to the department.

## **A Record of Survey must:**

1. **Be produced by a licensed surveyor.**
2. **Meet the requirements of Title 58 RCW and Chapter 332-130 WAC.**
3. Include the name of the applicant, the purpose of the easement or lease and the DNR easement or lease number.
4. Clearly show easement or lease boundaries with distances and directions of all boundary lines.
5. Show the easement or lease area to an accuracy of ( $\pm \square$ ) 0.5% of the total area or ( $\pm \square$ ) 10 square feet, whichever is greater.
6. **(Not required for aquatic lands lease across the bed of Puget Sound or the Pacific Ocean)** Indicate the acreage encompassed by the lease or easement within each quarter-quarter section or government lot.
7. Show distances and directions from two or more controlling corners of a recorded subdivision, recorded survey or government survey (GLO) corners.
8. Be related by meridian and coordinate to the Washington Coordinate System NAD'83(1991) by closed ties to NGS Control monuments, or the extension thereof. The designation of the control stations used shall appear on the plat.
9. Include a narrative legal description describing the servient estate (grantor's parcel) on the Record of Survey.
10. Show a detailed plan of improvements to be constructed or already existing on the easement or lease area. All improvements must be shown in sufficient detail to determine what they are used for and to ensure they are entirely within the easement area.
11. Show the location of any proposed utility.
12. **(linear lease or easement)** Show the lineal footage along the centerline.
13. **(linear lease or easement)** Show the complete alignment information and width including any necessary curve data.





### **A Record of Survey must (cont.):**

14. **(Easements or leases crossing a section line or state ownership boundary, not required for aquatic lands lease across the bed of Puget Sound or the Pacific Ocean)** Provide ties to the centerline of an easement along the section or subdivision line from the nearest appropriate Public Land Survey System (PLSS) section corner, quarter section or subdivision corner, where the easement enters and leaves the section or state ownership.
15. **(Easements or leases falling entirely within one section and not crossing a section line or state ownership boundary)** Provide ties from both end points of the linear easement to PLSS corners or other subdivision corners shall be provided.
16. **(A lease which encroaches on a previously leased site)** Show the boundary for the senior lease in the vicinity of the proposed lease shall also be shown, together with ties between the two leases sufficient to determine the full extent of the encroachments.

### **Additional Requirements for Communication Site Leases**

17. Show ties to the corners of previously monumented communication sites adjacent to, or in the immediate vicinity of the proposed communication site.
18. Show access to the site.
19. Mark the corners of the communication site, as described and granted, with substantial permanent magnetically locatable monuments. The monuments shall be in place and obviously marked on the ground after the construction of installations and improvements.
20. Show the center of any communication site tower by Washington Plane Coordinates, NAD83 (1991), or latitude and longitude. NAD83 datum must be used to determine global location coordinates and must be in **decimal degrees**. Coordinates must have at least **five** decimal places to the right of the decimal point and include a negative longitude.
21. On all communication sites where towers or beam paths are shown, an elevation is required at the base of the tower.
22. Show the tower height, and the height of the antenna or microwave dish and any beam path used shall have the diameter and tilt thereof shown.
23. The elevation shall be derived from an established benchmark in the vicinity of the site, or an elevation designated by the Department of Natural Resources.

### **Additional Requirements for Aquatic Land Uses**

24. The lease of aquatic lands is often subject to preference rights. Applicants and surveyors should carefully determine the direction, and show details of the proration of coves and irregular shoreline.
25. **(lease sites which contain existing or proposed structures and improvements that are classified as a non water-dependent or a water oriented use as described within RCW 79.105.060 and WAC 332-30-106)** Provide the square footage of each structure and improvement.
26. Where applicable, the survey of aquatic lands must show the location of the following lines for:
  - a. Tidal areas –Government meander line, the original and current locations of line of mean high tide, line of mean low tide, and line of extreme low tide. The survey must include the name of tidal bench mark(s) used or describe the alternate method employed for determining a Tidal Datum. **Lease areas which contain tidelands and bedlands** at a minimum must show the location of the line of extreme low tide crossing the lease area. **Lease areas containing bedlands exclusively** may be required to show the relationship to the line of extreme low tide and the -18 foot contour line only.

### **Additional Requirements for Aquatic Land Uses (cont.):**

- b. Lakes – Government meander line, line of ordinary high water (original ordinary high water if the lake has experienced artificial raising or lowering of the water level), and line of ordinary low water (include source of data) and line of navigability if established.
- c. Rivers - Line of ordinary high water and line of ordinary low water (include source of data) and line of navigability if established.
- d. Lots and blocks of platted tide lands or shore lands, inner and outer harbor lines, waterway lines, street boundaries, any local construction limit lines, any dredge or fill areas, and easements of record within the lease site.
- e. All lines must be shown in sufficient detail to compute and show the area of each area of State-owned bedlands, tidelands, shore lands, harbor area, or waterways included within the proposed lease site.

**Include any other data necessary for the complete understanding of the information shown on the survey. If, in the opinion of the department, such information is lacking, the survey may be rejected.**

### **Record of Survey Revisions:**

- 27. Any differences between the as-built road and the regulation plat must be reflected in a revised Record of Survey and recorded with the county by the applicant.
- 28. When any portion of the completed improvements are located outside of the granted lease site, the as-built locations must be reflected in a revised Record of Survey and legal description. In this instance, a new application for an amended lease site may be required if the as-built location creates adverse impacts. In the case of linear leases across the bed lands of the sound or the ocean, an as-built Record of Survey and a revised legal description of the linear lease must be provided.

### **Survey Information updated July 2002.**

**For additional information contact one of the following region offices:**

#### **Southeast Region**

713 Bowers Rd  
Ellensburg, WA 98926-9341  
509-925-8510  
TTY: 509-925-8527

#### **Northeast Region**

P.O. Box 190  
225 S Silke Rd  
Colville, WA 99114-0190  
360-684-7474  
TTY: 509-684-7474

#### **Olympic Region**

411 Tillicum Ln  
Forks, WA 98331-9797  
360-374-2800  
TTY: 360-374-2819

#### **Pacific Cascade Region**

P.O. Box 280  
601 Bond Rd  
Castle Rock, WA 98611-0280  
360-577-2025  
TTY: 360-577-2025

#### **Northwest Region**

919 N Township St  
Sedro-Woolley, WA 98284-9333  
360-856-3500  
TTY: 360-856-1371

#### **South Puget Sound Region**

950 Farman Ave N  
Enumclaw, WA 98022-9282  
360-825-1631  
TTY: 360-825-6381